

REMARKS

Claims 1-6, 9-11 are all the claims pending in the application. Claims 1 and 9 have been amended herein and claims 10 and 11 have been added. Claims 7 and 8 were previously cancelled without prejudice or disclaimer. This Response, submitted in reply to the Office Action dated November 19, 2009, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Preliminary Matters

Applicant notes that in the previous office action the Examiner objected to the listing of references in the specification, as well as claims 1, 2 and 9 and the drawings for various reasons. Further, the Examiner also rejected claims 1, 2, 4, and 9 under 35 U.S.C. § 112 as allegedly being indefinite. More specifically the Examiner asserted that the recitations “adapted to” in claims 1, 2, 4, and 9 were indefinite and further asserted that the recitations of claims 1 and 9 regarding the data being retrieved were merely intended use language and were thus indefinite.

As these objections and rejections have not been repeated in the Final Office Action of November 19, 2009, Applicant presumes the amendments and arguments set forth in the previous response have fully overcome these objections and rejections and thus the objections and rejections have been withdrawn.

Claim Rejections under 35 U.S.C. § 102

Claims 1-6 and 9 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Machida et al. (U.S. Patent No. 6,885,387 B1; henceforth “Machida”). Applicant respectfully traverses this rejection.

Claim 1 recites:

A system for managing the display of images representing network equipments of a communication network, said system comprising

a plurality of elements associated with hierarchical levels, wherein each element is associated with a set of primary data stored in a memory, said primary data representing the element in the level to which said element belongs without any specific attachment to any level higher than said element and at least one set of secondary data stored in said memory, said secondary data representing the element within the level to which said element belongs and the element's connection to a level higher than or equal to the level of said element in the hierarchy, and

management means for

accessing and extracting from the memory at least one of the sets of primary and secondary data of the elements of the equipment that belong to a designated level and to levels lower than said equipment when a request designating a chosen level of a network equipment with attachment is received, and

for accessing and extracting from the memory the at least one of the sets of primary and secondary data of the elements of the equipment that belong only to a designated level when a request designating a chosen level of a network equipment without attachment is received.

In rejecting claim 1, the Examiner merely states “Machida has been cited as prior arts[sic] in the last office action. The teachings applicable are respectfully maintained and incorporated by reference as set forth in the last office action.” Applicant notes that as discussed above, the claims of the present application have been amended herein.

Specifically, claim 1 now recites, *inter alia* “said primary data representing the element in the level to which said element belongs without any specific attachment ...and ... said secondary data representing the element within the level to which said element belongs and the element's connection to a level higher than or equal to the level of said element in the hierarchy”. Further, Claim 1 also now recites, *inter alia*, “management means for accessing and extracting from the memory ... data of the elements of the equipment that belong to a designated level and to levels lower than said equipment when a request designating a chosen level of a network

equipment with attachment is received, and for accessing and extracting from the memory ...
data of the elements of the equipment that belong only to a designated level when a request
designating a chosen level of a network equipment without attachment is received."

In other words, an exemplary system consistent with claim 1 stores primary and secondary sets of data, with the primary data "representing the element in the level to which it belongs without any specific attachment", and the secondary data representing both "the element within the level to which said element belongs and the element's connection to a level higher than or equal to the level of said element". Further, the exemplary system consistent with claim 1 includes a component which accesses and extracts from memory data related to elements in a designated level and all levels below the designated level, when a request for attachment is received. Further, the same component accesses and extracts from memory data related to elements in only the designated level when a request without attachment is received.

Applicant respectfully submits that the applied reference does not teach a component which accesses and extracts different amounts of information depending on whether a request designates a particular level with or without attachment as claimed.

MPEP 2106(II) (C) states "when evaluating the scope of a claim, **every limitation in the claim must be considered**. USPTO personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered". See, e.g., *Diamond v. Diehr*, 450 U.S. 175, 188-89, 209 USPQ 1, 9 (1981). Further, MPEP 2173.05(g) states "A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used."

In this case, the Examiner must find all of the features recited in this claim including those highlighted above. Applicant respectfully submits that the applied reference does not teach components which access and extract different amounts of information depending on whether a request designates a particular level with or without attachment as claimed.

Machida is directed to a display method and apparatus having control of displayed icons. In the previous office action, the Examiner cited portions of Cols. 3 and 4 of Machida as teaching the accessing and extracting of data. However, these sections do not teach the particular conditions on when and what data is accessed. Instead, Cols. 3 and 4 (along with Figs. 3a and 3b) describe a process of mapping network apparatuses.

Specifically, these sections of Machida describe retrieving connection information of all shared PCs and peripherals on the network, along with status information on the PCs and peripherals when any request is received and using this information to display all the PCs and peripherals at predetermined positions on the same picture plane, based on the connection and status information. *See* Col. 4, lines 4-14, and Steps s201-s203 of Fig. 3A. Further, Machida also describes that if screen size is limited, icons may be marked with "+" and "-" symbols indicating that the connection can be expanded. *See* Col. 4, lines 55-67.

However, Machida explicitly states when a request is received, the connecting states and status of all the PCs and peripherals is confirmed. *See* Col. 5, lines 1-3. Machida does not provide any teachings regarding searching for and retrieving connection and status information on anything less than all PCs and peripherals connected to a network. Thus, Machida does not teach "management means for accessing and extracting from the memory ... data of the elements of the equipment that belong to a designated level and to levels lower than said

equipment when a request designating a chosen level of a network equipment with attachment is received. and for accessing and extracting from the memory ... data of the elements of the equipment that belong only to a designated level when a request designating a chosen level of a network equipment without attachment is received" as claimed in claim 1. Therefore, Applicant respectfully submits that claim 1 is patentable for at least this reason.

Further, in the response filed September 4, 2008, Applicant argued that Machida teaches a system which does not actually store network device interconnection information for later retrieval but instead scans the network devices to gather status information and calculates the interconnection information of devices when a request is received. In response to this argument, the Examiner asserts that the abstract describes the system displaying positions of network connected apparatuses and recalculates/updates the positions before showing them on a display. Further, the Examiner asserts that to update information, there must be existing information stored before the information can be recalculated/updated. Applicant respectfully submits that the Examiner has misconstrued the Machida reference.

The abstract plainly states that connecting states of network apparatuses connected to a network are calculated and displayed based on connecting information of the network apparatuses. Further, the abstract also describes when it is necessary to change the display, the display positions are again calculated. The abstract does not provide any teachings regarding **updating the connection information or storing the connection information**, but instead merely describes calculating the positions a first time, and when it is necessary to change the display, recalculating (calculating again) the positions, without taking into account the results of the previous calculation.

Thus, Machida plainly describes calculating positions of the network apparatuses a first time to display the apparatuses on the network, and then calculating the display positions again, whenever the display needs to be updated. Applicant respectfully submits that Machida does not teach storing "said primary data representing the element in the level to which said element belongs without any specific attachment ...and ... said secondary data representing the element within the level to which said element belongs and the element's connection to a level higher than or equal to the level of said element in the hierarchy" as claimed. Therefore, Applicant submits that claim 1 is patentable for this additional reason.

For at least the above discussed reasons, Applicant respectfully submits that claim 1 and all claims dependant thereon are patentable over the applied reference. Further, to the extent that claim 9 recites features similar to those discussed above, Applicant respectfully submits that claim 9, and all claims dependant thereon are patentable for analogous reasons. Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

Newly Added Claims

Claims 10 and 11 have been added herein and depend from claims 1 and 9, which have been shown above to be patentable over the applied references. Therefore, Applicant respectfully submits that these claims are patentable at least by virtue of their dependency. Further, Applicant also submits that none of the applied references teach or even fairly suggest the unique features recited therein. Therefore, Applicant respectfully requests that these claims be allowed.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880 via EFS payment screen. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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